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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,885	07/20/2006	Hiroshi Uchibori	8130-003-US	1549
32301	7590	01/08/2008	EXAMINER	
CATALYST LAW GROUP, APC			QUINN, RICHALE LEE	
9710 SCRANTON ROAD, SUITE S-170			ART UNIT	PAPER NUMBER
SAN DIEGO, CA 92121			3765	
MAIL DATE		DELIVERY MODE		
01/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/586,885	UCHIBORI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Richale L. Haney Quinn	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 July 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 5-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 5-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 July 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/15/2007</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

The preliminary amendment filed on 7/20/2006 has been considered. Claims 1 - 4 were cancelled. Claims 5 - 25 are currently pending. The substitute amendment filed on 7/20/2006 has been considered.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5 – 8, 10 -16 and 18 - 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy, Jr. (US 2,583,225). The device of Murphy discloses a fabric garment (10) maintaining a desired three-dimensional shape comprising a wire (20) flexible shape retentive member, wherein said member is permanently attached to the fabric by stitching. The ends of the wire are protected by a protective member (14) for preventing the ends of the wire from piercing the fabric. The retentive member (20) is removable attached to the fabric, in as much as shown and disclosed by applicant, by removing the stitching. A separate sutured piece of fabric (12) is sewn to the reverse side of the main fabric forming a hollow space (Figure 4) and the wire is inserted into the hollow space (Figure 4) and attached to the reverse side of the fabric (Figure 1). The wire disclosed by Murphy, Jr. is a metal wire (Column 3, lines 5 - 51). The device of

Murphy, Jr. discloses a separate sutured piece of fabric (20) to the reverse side of the garment intended to be capable of maintaining a desired shape such that the separate fabric (20) and the reverse side form a hollow space (Figure 6) and inserting the wire (23) into the hollow space such that the wire becomes attached to the reverse side of the garment part intended to be capable of maintaining a desired shape.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9, 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy, Jr. et al. in view of Schwartz (US 4,133,316). The device of Murphy, Jr. substantially discloses the claimed invention but is silent as to the material used to form the protective member. The device of Schwartz uses a resin plastic material to form a tube(11) for covering the ends of wire so that they don't pierce the fabric. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the device of Murphy, Jr. by utilizing the resin material taught by Schwartz in order to provide protection from the sharp ends coming through the pocket of fabric (Column 1, lines 9 - 10).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Hudson US 724,011, McDermott US 1,19,339, Golden US 2,595,133, Hull US 2,599,636, Josephson US 2,649,586, Berniker et al. US 2,702,907, Gould US 3,088,120, Lipschultz US 3,133,289, Ludwikowski US 3,213,465, Laniado US 3,357,028, Tareau US 3,747,606, Peruski US 5,626,267, Abadi US 5,904,607, Istook Us 6,341,504, and Sharma US 6,941,775.

7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richale L. Quinn whose telephone number is 571-272-8689. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/586,885  
Art Unit: 3765

Page 5

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richale L Quinn  
Examiner  
Art Unit 3765

RLQ

12/27/2207

\Katherine Moran\

Primary Examiner, AU 3765